

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES KELLY,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
GERALD L. ROZUM, ET AL.,	:	
Respondents	:	NO. 08-1073

ORDER

AND NOW, this 5th day of October 2009, upon careful and independent consideration of Petitioner's Amended Petition for Writ of Habeas Corpus (Docket No. 24) and Respondents' response thereto; the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated February 17, 2009 (Docket No. 26); the Objections to the Report and Recommendation filed by Petitioner's counsel and the related Letter filed by Petitioner pro se (Docket Nos. 27 and 28) and Respondents' response thereto; and Petitioner's supplemental Memorandum in support of his Amended Petition for Writ of Habeas Corpus (Docket No. 32), as well as related correspondence from counsel, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE